

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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HILLSIDE PRODUCTIONS, INC., GARY  
RONCELLI and JOSEPH VICARI,

Plaintiffs/Counter-Defendants,

v.

Case No. 06-11566

COUNTY OF MACOMB

Defendant/Counter-Plaintiff.

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**OPINION AND ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S  
"MOTION IN LIMINE TO LIMIT PLAINTIFFS' DAMAGES . . ."**

Before the court is Defendant's "Motion In Limine to Limit Plaintiffs' Damages to Exclude All Damages After the Year 2006." Plaintiff has responded. The court will deny the motion without prejudice. It is clear that the possibility of ongoing damages, at least into the year 2007, has been sufficiently alleged and referred to in the proceedings. Plaintiffs may claim damages beyond 2006 to the extent that such damage claims and calculations derive from evidence that is already disclosed to Defendant. Plaintiffs shall not, however, present damage claims based upon documentary evidence that has not already been timely disclosed to Defendant to allow adequate examination and possible challenge.<sup>1</sup> Accordingly,

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<sup>1</sup>On April 2, 2008, the court held an off-the-record telephone conference with counsel. The court was advised that it should expect proposed jury instructions and a verdict form from counsel by the morning of April 3, 2008. Counsel also were advised to keep the court apprised of ongoing settlement negotiations, particularly if they will require cancelling jury selection on April 7, 2008. The court also briefly questioned counsel about the representations made in the instant motion and alerted counsel as to the court's intended disposition of the motion.

IT IS ORDERED that Defendant's "Motion In Limine to Limit Plaintiffs' Damages to Exclude All Damages After the Year 2006 [Dkt. # 192] is DENIED WITHOUT PREJUDICE.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 3, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 3, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522